

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

**FILED**

**MAR 3 0 2005**

U. S. DISTRICT COURT  
EASTERN DISTRICT OF MO  
ST. LOUIS

YOLANDA BEASLEY, et al.,

Plaintiffs,

v.

ROBERT PIEKUTOWSKI, et al.,

Defendants.

Case No. 4:02CV00823 ERW

**JUDGMENT APPROVING WRONGFUL DEATH SETTLEMENT**

NOW on this 21<sup>st</sup> day of March, 2005, the Application for Approval of Wrongful Death Settlement comes up for hearing. Plaintiffs Yolanda Beasley, Ronni Beasley, Ronald Beasley, Jr., Nakita Beasley and Louise Beasley appear in person and by their attorneys. Defendant Robert Piekutowski appears by and through his counsel, David S. Baker.

Plaintiffs and Defendant Piekutowski agree to waive a jury trial and submit all issues contained within the Application for Approval of Wrongful Death Settlement to the Court for determination, which waiver is expressly approved by the Court. The parties present, having advised the Court that Plaintiffs have, subject to the approval of the Court, agreed to a compromise settlement of any and all claims they have or may have against Defendant Piekutowski and the City of Dellwood, Missouri (including its officers, agents, servants, officials and employees) as a result of or relating to or arising out of the death of Ronald Beasley, deceased, who died on or about June 12, 2000.

The terms and conditions of the aforesaid settlement are the payment of the total sum of *One Hundred Thousand and no/100 Dollars (\$100,000.00)* to Yolanda Beasley,

Ronni Beasley, Ronald Beasley, Jr., Nakita Beasley and Louise Beasley, in exchange for which payment Yolanda Beasley, Ronni Beasley (a minor, by and through her natural mother and duly appointed next friend, Yolanda Beasley), Ronald Beasley, Jr. (a minor, by and through his natural mother and duly appointed next friend, Yolanda Beasley), Nakita Beasley (a minor, by and through her natural mother and duly appointed next friend, Delores Triplett), and Louise Beasley shall execute a Release which extinguishes any and all claims which they or anyone else has or may have against Robert Piekutowski and the City of Dellwood, Missouri (including all of its agents, servants, employees, officials and representatives) arising from, related to or in any way connected with the death of Ronald Beasley, deceased. Further, Plaintiffs, and each of them, have agreed that a fair and reasonable apportionment of the proceeds of this settlement is to be divided between them as follows:

1. \$31,000.00 to Yolanda Beasley;
2. \$24,500.00 to Ronni Beasley;
3. \$24,500.00 to Ronald Beasley, Jr.;
4. \$20,000.00 to Nakita Beasley;
5. \$0.00 to Louise Beasley;
6. \$31,937.72 for expenses to The Padberg & Corrigan Law Firm and The

Ryals Law Firm, counsel for Plaintiffs, Yolanda Beasley, Ronni Beasley and Ronald Beasley, Jr., said money to be paid from the allocation to Plaintiffs Yolanda Beasley, Ronni Beasley and Ronald Beasley, Jr.

7. \$8,201.26 for attorney's fees and expenses to Blumenfeld, Kaplan & Sandweiss, P.C. and Bradford J. Kessler, counsel for Louise Beasley, said money to be paid from the allocation to Plaintiff Louise Beasley.

8. \$3,485.00 for attorney's fees and expenses to Michael R. Swafford, counsel for Plaintiff Nakita Beasley, said money to be paid from the allocation to Plaintiff Nakita Beasley.

Plaintiffs Yolanda Beasley, Ronni Beasley and Ronald Beasley, Jr. have entered into a contract with their counsel and request that reimbursement of expenses incurred by their counsel be approved as fair and reasonable, and that said attorneys receive compensation in the total amount of \$31,937.72. Plaintiff Nakita Beasley, by and through her natural mother and duly appointed next friend Delores Triplett, has entered into a contract with her counsel and requests that attorney's fees and reimbursement of expenses incurred by her counsel be approved as fair and reasonable, and that said attorneys receive compensation in the total amount of \$3,485.00. Plaintiff Louis Beasley has entered into a contract with her counsel and requests that reimbursement of expenses incurred by her counsel be approved as fair and reasonable, and that said attorneys receive compensation in the amount of \$8,201.26.

WHEREUPON, the Court, having heard evidence and having been fully advised in the premises upon the Application for Approval of Wrongful Death Settlement, hereby orders, adjudges and decrees as follows:

1. The separate settlement between Plaintiffs and Defendant Piekutowski in the total amount of *One Hundred Thousand and no/100 Dollars (\$100,000.00)* is fair and reasonable, is in the best interest of all Plaintiffs, and is hereby approved.

2. The following persons are the only persons entitled to share under the laws of the State of Missouri in the apportionment of this settlement: Yolanda Beasley (wife of Ronald Beasley, deceased); Ronni Beasley, Ronald Beasley, Jr. and Nakita Beasley (children of Ronald Beasley, deceased); and Louise Beasley (mother of Ronald Beasley, deceased).

3. All Plaintiffs have freely, knowingly and voluntarily waived their right to a jury trial as to Defendant Piekutowski and have consented to the submission of all issues regarding the proposed partial settlement to the Court for determination.

4. Pursuant to R.S.Mo. § 537.080, the only members of the class of persons entitled to bring an action for the wrongful death of Ronald Beasley, deceased, or to participate in the distribution of settlement proceeds are: Yolanda Beasley (wife of Ronald Beasley, deceased); Ronni Beasley, Ronald Beasley, Jr. and Nakita Beasley (children of Ronald Beasley, deceased); and Louise Beasley (mother of Ronald Beasley).

5. Pursuant to the provisions of R.S.Mo. § 537.095, all persons entitled to bring an action for the wrongful death of Ronald Beasley, deceased, have had an opportunity to join in this action and the settlement, and Plaintiffs have exercised due diligence in providing written notification concerning the hearing regarding the Application for Approval of Wrongful Death Settlement to all persons entitled to bring an action for the wrongful death of Ronald Beasley, deceased, and/or participate in the settlement proceeds.

6. The settlement proceeds shall be apportioned and distributed as follows:

(a) \$31,00.00 to Yolanda Beasley;

(b) \$24,500.00 to Ronni Beasley; that Defendant Piekutowski through its liability insurance carrier, shall purchase an annuity contract, payments to be made, under said annuity contract to Ronni Beasley as follows:

- (i) \$5,000.00 paid on her 18<sup>th</sup> birthday (1/5/15);
- (ii) \$10,000.00 paid on her 21<sup>st</sup> birthday (1/5/18);
- (iii) \$22,112.00 paid on her 25<sup>th</sup> birthday (1/5/22).

(c) \$24,500.00 to Ronald Beasley, Jr.; that Defendant Piekutowski, through his liability insurance carrier, shall purchase an annuity contract, payments to be made under said annuity contract to Ronald Beasley, Jr. as follows:

- (i) \$5,000.00 paid on his 18<sup>th</sup> birthday (11/6/16);
- (ii) \$10,000.00 paid on his 21<sup>st</sup> birthday (11/6/19);
- (iii) \$26,701.00 paid on his 25<sup>th</sup> birthday (11/6/23).

(d) \$20,000.00 to Nakita Beasley;

(e) \$0.00 to Louise Beasley;

(f) \$31,937.72 for expenses to The Padberg & Corrigan Law Firm and The Ryals Law Firm, counsel for Plaintiffs Yolanda Beasley, Ronni Beasley and Ronald Beasley, Jr., said money to be paid from the allocation to Plaintiffs Yolanda Beasley, Ronni Beasley and Ronald Beasley, Jr.;

(g) \$8,201.26 for attorney's fees and expenses to Blumenfeld, Kaplan & Sandweiss, P.C. and Bradford J. Kessler, counsel for Louise Beasley, said money to be paid from the allocation to Plaintiff Louise Beasley;

(h) \$3,485.00 for attorney's fees and expenses to Michael R. Swafford, counsel for Plaintiff Nakita Beasley, said money to be paid from the allocation to Plaintiff Nakita Beasley.

7. The proposed attorney's fees and expenses proposed by the Plaintiffs are specifically approved and are determined by this Court to be fair and reasonable with each party to bear their pro rata share of the expenses out of the proceeds distributed to them.

8. Yolanda Beasley, on behalf of herself individually and as duly-appointed next friend of Ronni Beasley (a minor) and Ronald Beasley, Jr. (a minor); Delores Triplett, as duly appointed next friend of Nakita Beasley (a minor); and Louise Beasley are each ordered to execute the proposed Partial Release in favor of Robert Piekutowski and the City of Dellwood, Missouri (including its agents, servants, employees, representatives and officials) releasing said individuals and entity from any and all liability, claims, demands and actions arising from, related to or in any way connected with the death of Ronald Beasley, deceased.

9. Plaintiffs and their counsel shall collect a receipt for the payment of these settlement proceeds.

10. Plaintiffs and their counsel shall acknowledge satisfaction of this Judgment.

11. Plaintiffs shall file a Stipulation of Dismissal With Prejudice as to Defendant Piekutowski.

(continuation from recitation that "11. Plaintiffs shall file a stipulation of dismissal...")

SO ORDERED:

St. Louis, Missouri

Dated:

March 30, 2005

E. Richard Webber

E. RICHARD WEBBER  
United States District Judge